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10/671,713	09/29/2003	Hirotoshi Fujisawa	SON-2831	9280

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EXAMINER	
THERIAULT, STEVEN B	
ART UNIT	PAPER NUMBER
2179	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/671,713	FUJISAWA, HIROTOSHI	
	Examiner	Art Unit	
	STEVEN B. THERIAULT	2179	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *05 December 2008*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-21* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-21* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. This action is responsive to the following communications: amendment filed 12/05/2008.

This action is made Final.

2. Claims 1 -21 are pending in the case. Claims 1 and 3 are the independent claims. Claim 21 is the new claim.

Allowable Subject Matter

Claim 21 is objected to as being dependent upon a rejected base claim 1, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim Rejections - 35 USC § 103

3. **The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:**

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

5. **Claim 1- 6, 8 – 20 rejected under 35 U.S.C. 103(a) as being unpatentable over Miller et al. (Hereinafter Miller) U.S. Patent Publication No. 20020022994 filed Feb. 14, 2001, in view of Iggulden et al (hereinafter Iggulden) U.S. Patent No. 6,882,712 file May 24, 2002.**

In regard to **Independent claim 1**, Miller teaches a display device for displaying display information in a display area, the display device comprising:

- A display unit configured to display said display information (See Miller Figure 28, 2838 and Para 245). Miller teaches a display device that is configured to display information from the processor.
- Means for receiving display control information emitted from an information processing terminal (See Para 48, 57, and 60) Miller teaches a portal that is displayed to the user and tailored to the user preference or based on the product information that is defined from the bar code. The bar codes can be two-dimensional, three-dimensional and are used to provide information to control the layout of the display. Miller teaches the control information can be received via optical, RF or infrared or other means (See Para 77 and 82).
- A setting unit configured to set the relationship between the display area and the display information based on the received display control information (See Para 86-87). Miller teaches the template (See also Para 60-61) is used to generate an interface based on the received control information or bar code.
- A display control unit configured to control said display unit to display the display information so as to be displayed in each of the plurality of display areas (see 60-62). Miller teaches the display information is shown in a portal (See figures 5a-1-2 and 5b-1 and 2). Miller teaches the portal page comprises components and products where the bar codes were scanned by the system. By displaying a template that controls the display of the product information, when the particular product is scanned then the appropriate template is retrieved and controls the display of the information sent to the display.

Miller does not expressly teach:

- receiving display control information emitted from an information processing terminal through a read area on the display area

In the **alternative,** as Miller does not expressly recite receiving the display control information through a read area, even though Miller teaches reading the information wirelessly or via an IR port, the skilled artisan at the time of the invention would find the obvious alternative, as described in Iggulden, as an acceptable modification to Miller to specifically show how to receive information from emitted from a device through read area on the display.

For example, Iggulden teaches using two-way communications from a device to the computer (See column 5, lines 20-45) and the use of opto-electrical signals to **transfer** data from the computer that configures the appliance. It is noted that Iggulden teaches that an appliance can be "any device that has programmable features" (See column 4, lines 15-17) that can be applied to web sites, which is similar in structure to Miller of providing content to a portal page in a web site. Iggulden further teaches that the device can transfer data via IR signals (See column 7, lines 1-17). Miller teaches the signals are received via electrical, optical, RF and other signals, which can be interpreted as IR signals. Iggulden shows the information is written to the device (See column 7, lines 35-51) via several mechanisms (See column 9, lines 50-65, column 10, lines 20-67 and column 11, lines 1-20) and specifically mentions writing the information through a card area that is a matrix of black and white pixels (See figure 14 and column 12, lines 64-67 and column 13, lines 1-67 and column 14, liens 1-56). Iggulden teaches that the photodetector is used with a region on the display screen to convey information to the display. For example, Iggulden teaches the card is placed on the screen and the information is transferred to the computer (See figure 13). Iggulden teaches that any suitable source of light modulation may be used to transmit data to the device or appliance through a portion of the card (See column 14, lines 5-10 and column 7, lines 15-20) to provide set-up data to the device. Miller and Iggulden both teach

transferring information from a device using codes. They both teach the information is used to configure the interface.

Accordingly, it would have been obvious to one of ordinary skill in the art at the time of the invention, having the teachings of Miller and Martin in front of them, to modify the system of Miller to specifically recite include the feature of receiving information through an area on the screen taught by Iggulden. The motivation to combine Miller and Iggulden comes from the suggestion in Iggulden that a need exists to transfer preferences from the device to the interface (See column 4, lines 49-67) by touching a specific area on an interface, where the device receives set-up data (See column 4, lines 67) from the virtual computer to the local computer through a two-way connection (See column 5, lines 30-55).

With respect to **dependent claim 2,** Miller teaches a display device wherein the display control unit controls said display unit to switch display area for displaying said predetermined display information (See Figure 28, 2836).

With respect to **dependent claim 3,** Miller teaches a display device wherein display control unit controls said display unit to switch the size of said predetermined display area (See Figure 28, 2836 and Para 133-139). Miller teaches presenting different products with interface components in areas on the display. Each product will take up a different amount of space on the display and will be adapted according to the template for the page and rendered with the display adapter.

With respect to **dependent claim 4,** Miller teaches a display device wherein the setting unit sets information representing a priority of the display information as the display control information, and wherein the display control unit controls the display unit to display the display information as to be displayed in each of the display areas including said display area, based on the information representing the priority (See 86, web-page is tailored based on code and received user preferences (See Para 52 and 84)

With respect to **dependent claim 5,** Miller teaches a display device wherein the setting unit sets, as the display control information, the information representing a link item that said another

display device uses to display information displayed in the display area (See Para 48, a vendor determines the display layout at their displayed device and sets the information into the system and Para 148).

With respect to **dependent claim 6,** Miller teaches a display device wherein, the display control unit controls said display unit to display a program in said predetermined display area, as the display information (See Para 59-60).

With respect to **dependent claims 8-16,** as indicated in the above discussion, Miller in view of Iggulden teaches a display device and teaches all the limitations of claim 1

Miller teaches the display of content on the display that is relevant to the user interests in the form of a graphical interface portal where the information transmitted by a bar code is linked to the identity of the user (See Para 48). The database that stores user information stores their name, email, geographical region, age, residence and/work and historical information of user selections (See Para 50-53). Therefore, the content can be common data used on the internet such as weather information and email and photos gathered on the internet. Miller suggests that virtually anything that can be transmitted to a computer as text, graphics, sounds, animations, designs and hyperlinks are displayed and used in a portal page and retrieved upon submission of a bar code by the user (See Para 58). Miller teaches the users email can be accessed (See Para 118) and personal information can be aggregated and set by the user (See Para 126-128). Miller clearly teaches displaying an advertisement (See Para 115) and an alert as to a promotional sale that the user has previously identified as something they want, which can be a to-do list. By accessing the email client, one would have access to a calendar component to view a schedule.

In regard to **claim 17,** claim 17 incorporates substantially similar subject matter as the device claimed in claim 1, and represents the method for executing the elements of claim 1, as is rejected along the same rationale.

In regard to **claims 18 and 20,** claims 18 and 20 reflects the computer readable medium comprising computer readable instructions for performing the steps of method claim 17 and 19, respectfully and are rejected along the same rationale.

With respect to **dependent claim 19,** Miller teaches a display device that further includes the steps of detecting an event corresponding to display information displayed in the display device and controlling said display unit to present the occurrence of the event to the user, when said event is detected (See Para 180-184).

6. **Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Miller et al. (Hereinafter Miller) U.S. Patent Publication No. 20020022994 filed Feb. 14, 2001, in view of Iggulden et al (hereinafter Iggulden) U.S. Patent No. 6,882,712 file May 24, 2002, in further view of Zimmerman et al. (hereinafter Zimmerman) U.S. Publication No. 20030093789 filed Nov. 2001**

With respect to **dependent claim 7,** as indicated in the above discussion, Miller in view of Iggulden teaches every element of claim 6.

Miller in view of Iggulden does not expressly teach detecting sound volume exceeding predetermined threshold value in a program, as the event. Miller teaches trigger event are based on product events specified by the user (See Para 180-184) and Miller teaches that sounds may be delivered to the device (See Para 58). Iggulden teaches the interface events are programmed by the device and the user and the remote computer can receive input through an area on the display. However, Miller and Iggulden are silent as to the specific feature of receiving a sound event that is over a threshold. Zimmerman teaches monitoring a broadcast channel for content in the event that the volume level exceeds a threshold then the system event changes the channel to the channel for the event, turning up the volume and tuning to the special event (See Para 83). Zimmerman teaches broadcasting content in a similar manner as Miller.

Accordingly, it would have been obvious to one of ordinary skill in the art at the time of the invention, having the teachings of Miller, Iggulden and Zimmerman in front of them, to modify

the system of Reisman and Martin to monitor a channel and if the volume attribute of the channel exceeds a threshold then to tune into the given channel. The motivation to combine Reisman, Miller and Iggulden comes from the suggestion in Zimmerman to fill the need to alarm individuals when a specific content event occurs (See Para 10).

A reference to specific paragraphs, columns, pages, or figures in a cited prior art reference is not limited to preferred embodiments or any specific examples. It is well settled that a prior art reference, in its entirety, must be considered for all that it expressly teaches and fairly suggests to one having ordinary skill in the art. Stated differently, a prior art disclosure reading on a limitation of Applicant's claim cannot be ignored on the ground that other embodiments disclosed were instead cited. Therefore, the Examiner's citation to a specific portion of a single prior art reference is not intended to exclusively dictate, but rather, to demonstrate an exemplary disclosure commensurate with the specific limitations being addressed. In re *Heck*, 699 F.2d 1331, 1332-33,216 USPQ 1038, 1039 (Fed. Cir. 1983) (quoting In re *Lemelson*, 397 F.2d 1006, 1009, 158 USPQ 275, 277 (CCPA 1968)). In re: *Pusher-Smith Labs. v. Pamlab, LLC,* 412 F.3d 1319, 1323, 75 USPQ2d 1213, 1215 (Fed. Cir. 2005); *In re Fritch,* 972 F.2d 1260, 1264, 23 USPQ2d 1780, 1782 (Fed. Cir. 1992); *Merck & Co. v. Biocraft Labs., Inc.,* 874 F.2d 804, 807, 10 USPQ2d 1843, 1846 (Fed. Cir. 1989); *In re Fracalossi,* 681 F.2d 792,794 n.1, 215 USPQ 569, 570 n.1 (CCPA 1982); *In re Lamberti,* 545 F.2d 747, 750, 192 USPQ 278, 280 (CCPA 1976); *In re Bozek,* 416 F.2d 1385, 1390, 163 USPQ 545, 549 (CCPA 1969).

Response to Arguments

Applicant's arguments with respect to claims 1-21 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven B. Theriault whose telephone number is (571) 272-5867. The examiner can normally be reached on M, W, F 10:00AM - 8:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo can be reached on (571) 272-4847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Steven B Theriault/
Patent Examiner
Art Unit 2179

/Ba Huynh/
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